

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 35

FINAL READING

Introduced by Janssen, 15; Mines, 18

Read first time January 4, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-6,186, Reissue Revised Statutes of Nebraska,
3 and section 60-4,182, Revised Statutes Cumulative
4 Supplement, 2006; to clarify speed limits on certain
5 freeways; to harmonize provisions; to delete obsolete
6 provisions; to repeal the original sections; and to
7 declare an emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,182, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-4,182 In order to prevent and eliminate successive
4 traffic violations, there is hereby provided a point system dealing
5 with traffic violations as disclosed by the files of the director.
6 The following point system shall be adopted:

7 (1) Conviction of motor vehicle homicide - 12 points;

8 (2) Third offense drunken driving in violation of any
9 city or village ordinance or of section 60-6,196, as disclosed by
10 the records of the director, regardless of whether the trial court
11 found the same to be a third offense - 12 points;

12 (3) Failure to stop and render aid as required under
13 section 60-697 in the event of involvement in a motor vehicle
14 accident resulting in the death or personal injury of another - 6
15 points;

16 (4) Failure to stop and report as required under section
17 60-696 or any city or village ordinance in the event of a motor
18 vehicle accident resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence
20 of alcoholic liquor or any drug or when such person has a
21 concentration of eight-hundredths of one gram or more by weight of
22 alcohol per one hundred milliliters of his or her blood or per two
23 hundred ten liters of his or her breath in violation of any city or
24 village ordinance or of section 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or

1 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

2 (7) Careless driving in violation of any city or village
3 ordinance or of section 60-6,212 - 4 points;

4 (8) Negligent driving in violation of any city or village
5 ordinance - 3 points;

6 (9) Reckless driving in violation of any city or village
7 ordinance or of section 60-6,213 - 5 points;

8 (10) Speeding in violation of any city or village
9 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

10 (a) Not more than five miles per hour over the speed
11 limit - 1 point;

12 (b) More than five miles per hour but not more than ten
13 miles per hour over the speed limit - 2 points; and

14 (c) More than ten miles per hour over the speed limit -
15 3 points, except that one point shall be assessed upon conviction
16 of exceeding by not more than ten miles per hour, two points shall
17 be assessed upon conviction of exceeding by more than ten miles per
18 hour but not more than fifteen miles per hour, and three points
19 shall be assessed upon conviction of exceeding by more than fifteen
20 miles per hour the speed limits provided for in subdivision (1) (e),
21 (f), ~~or~~ (g), or (h) of section 60-6,186;

22 (11) Failure to yield to a pedestrian not resulting in
23 bodily injury to a pedestrian - 2 points;

24 (12) Failure to yield to a pedestrian resulting in bodily
25 injury to a pedestrian - 4 points; and

1 (13) All other traffic violations involving the operation
2 of motor vehicles by the operator for which reports to the
3 Department of Motor Vehicles are required under sections 60-497.01
4 and 60-497.02, not including violations involving an occupant
5 protection system pursuant to section 60-6,270, parking violations,
6 violations for operating a motor vehicle without a valid operator's
7 license in the operator's possession, muffler violations,
8 overwidth, overheight, or overlength violations, motorcycle or
9 moped protective helmet violations, or overloading of trucks - 1
10 point.

11 All such points shall be assessed against the driving
12 record of the operator as of the date of the violation for which
13 conviction was had. Points may be reduced by the department under
14 section 60-4,188.

15 In all cases, the forfeiture of bail not vacated shall be
16 regarded as equivalent to the conviction of the offense with which
17 the operator was charged.

18 The point system shall not apply to persons convicted
19 of traffic violations committed while operating a bicycle or an
20 electric personal assistive mobility device as defined in section
21 60-618.02.

22 Sec. 2. Section 60-6,186, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-6,186 (1) Except when a special hazard exists that
25 requires lower speed for compliance with section 60-6,185, the

1 limits set forth in this section and sections 60-6,187, 60-6,188,
2 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless
3 reduced pursuant to subsection (2) of this section, and no person
4 shall drive a vehicle on a highway at a speed in excess of such
5 maximum limits:

6 (a) Twenty-five miles per hour in any residential
7 district;

8 (b) Twenty miles per hour in any business district;

9 (c) Fifty miles per hour upon any highway that is not
10 dustless surfaced and not part of the state highway system;

11 (d) Fifty-five miles per hour upon any dustless-surfaced
12 highway not a part of the state highway system;

13 ~~(e)(i) Until September 1, 1996, fifty-five miles per hour~~
14 ~~upon any part of the state highway system other than an expressway~~
15 ~~or a freeway; and~~

16 ~~(ii) Beginning on and after September 1, 1996, sixty (e)~~
17 Sixty miles per hour upon any part of the state highway system
18 other than an expressway or a freeway, except that the Department
19 of Roads may, where existing design and traffic conditions allow,
20 according to an engineering study, authorize a speed limit five
21 miles per hour greater;

22 (f) Sixty-five miles per hour upon an expressway that is
23 part of the state highway system; and

24 (g) Sixty-five miles per hour upon a freeway that is part
25 of the state highway system but not part of the National System of

1 Interstate and Defense Highways; and

2 ~~(g)~~ (h) Seventy-five miles per hour upon a ~~freeway that~~
3 ~~is part of the state highway system and upon~~ the National System
4 of Interstate and Defense Highways, except that the maximum speed
5 limit shall be sixty miles per hour for:

6 (i) Any portion of a ~~freeway and~~ the National System of
7 Interstate and Defense Highways located in Douglas County; and

8 (ii) That portion of the National System of Interstate
9 and Defense Highways designated as Interstate 180 in Lancaster
10 County and Interstate 129 in Dakota County.

11 (2) The maximum speed limits established in subsection
12 (1) of this section may be reduced by the Department of Roads or by
13 local authorities pursuant to section 60-6,188 or 60-6,190.

14 (3) The Department of Roads and local authorities may
15 erect and maintain suitable signs along highways under their
16 respective jurisdictions in such number and at such locations as
17 they deem necessary to give adequate notice of the speed limits
18 established pursuant to subsection (1) or (2) of this section upon
19 such highways.

20 Sec. 3. Original section 60-6,186, Reissue Revised
21 Statutes of Nebraska, and section 60-4,182, Revised Statutes
22 Cumulative Supplement, 2006, are repealed.

23 Sec. 4. Since an emergency exists, this act takes effect
24 when passed and approved according to law.